IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19657 of 2007(M)

PETITIONER:

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1. JUDE VARGHESE, S/O VARGHESE,
KAVALECHIRA, THATHAMPALLY,
ALAPPUZHA.

2. JEENA ANNIE GEORGE, W/O JUDE VARGHESE,
JINU VIHAR, KAITHAVANA, ALAPPUZHA,
PRESENTLY RESIDING AT KAVALECHIRA,
THATHAMPALLY, ALAPPUZHA.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS:

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1. ALAPPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
ALAPPUZHA.

2. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

R1 BY SC SRI. M.K.CHANDRAMOHAN DAS.
R2 BY GOVT. PLEADER SRI. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19657 of 2007

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Dated this the 27th day of June, 2007

JUDGMENT

Case of the petitioners is as follows: They are man and wife. They profess Christian religion. Their marriage took place on 31.5.2007. First petitioner is employed in Sharjah. Second petitioner is a graduate in Nursing. The authorities in the foreign country insist production of marriage certificate issued by the local authority. The certificate issued by the Church authority is not recognised there. It is pointed out that there is no provision for registration of marriage under the Births, Deaths and Marriage Registration Act, 1886, and this court directed the local authority to issue certificate of marriage solemnized under the Christian Marriage Act. The prayers in the writ petition are for a direction to the first respondent to issue certificate of marriage of the petitioners based on Ext.P1 certificate issued by the St.Michles Church, Thathampally, Alappuzha.

2. I heard learned counsel for the petitioners and the learned counsel for the Municipality. Learned counsel for the petitioners has

made available before me the draft of the Kerala Registration of Marriages (Common)Rules, 2006, which is stated to be issued under the Kerala Gazette No.1835 dated 16.11.2006. It is stated therein that it will come into force after expiry of 60 days from the publication of the Rules.

3. Learned counsel for the first respondent points out that if the Rules have been framed the application of the petitioners for certificate of registration of marriage will be considered in accordance with the Rules.

4. Learned counsel for the petitioners submits that the petitioners will file appropriate application as required under the Rules before the first respondent tomorrow itself. If the application is received by the first respondent, the first respondent will consider the same in accordance with law and issue certificate, if the petitioners are found entitled thereto as expeditiously as possible and if possible before 5.7.2007.

(K.M. JOSEPH, JUDGE)

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